



Barbara Nann

02/28/2005 04:55 PM

To: abdaniels@sbcglobal.net, James.Morriss@tklaw.com,
Bill.Mahley@Strasburger.com

cc:

Subject: Gulfco Marine Maintenance Superfund Site

February 28, 2005

RE: Gulfco Marine Maintenance Superfund Site in Freeport Texas

Dear Mr. Daniels, Mr. Mahley, and Mr. Morriss:

The Environmental Protection Agency (EPA) has received and reviewed your proposal for cleanup at the Gulfco Marine Maintenance Site (Site) submitted on February 23, 2005. EPA appreciates your efforts to work towards cleanup of the Gulfco Site. EPA recognizes that you have had a very short time to prepare the proposal and it is a good first step.

EPA has reviewed your proposal. The proposal is a good step forward. I appreciate your willingness to be open-minded and flexible. This will allow us to meet both our mutual goals and maintain program integrity. There is some additional information needed in order to make sure EPA successfully deletes the Gulfco Site from the National Priorities List (NPL). As you stated, this is a goal we share. Although EPA appreciates your proposal to do cleanup under the Texas Voluntary Cleanup Program, the proposal does not provide sufficient detail to allow an evaluation of its potential to successfully provide the information. EPA believes the best mechanism to accomplish this task is an Administrative Order on Consent (AOC) between the PRPs and EPA. The Site can be cleaned up under "appropriate state law" and meet the requirements of delisting from the NPL under such an agreement.

Our time is short for completing any additional discussions. EPA is not proposing to enter into open-ended negotiations of an AOC, and in order to move forward, EPA needs a commitment from the PRPs that they will sign an AOC which obligates them to pay the costs to investigate and remediate the Gulfco Site in a manner which will allow EPA to delete the Site from the NPL. EPA is currently working to determine the form and substance of such an agreement. In order to address the Site in a timely manner, please respond by Friday, March 4, 2005.

If you have any questions, please contact me at (214) 665-2157.

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